

*Application No: 10/540,075, filed June 22, 2005
Attorney Docket No.: 421-US-PCT
Amendment Dated November 09, 2007
Reply to Office Action dated September 11, 2007*

Remarks

Since this Amendment is being filed within two (2) months of the mailing date of the September 11, 2007 Office Action ("the Office Action"), this Amendment is timely filed.

Upon entry of this Amendment, claims 1-10, 12, 15-19 and 26-29 will be pending in the present application. Claims 11, 14, and 20-25 were canceled previously. Claims 13, 30-32 have been canceled without prejudice or disclaimer. Claims 1, 15, 16, 18 and 26-29 have been amended. No new matter has been added.

1. Information Disclosure Statement of July 29, 2007

Applicants acknowledge receipt of a copy of the Examiner's initialized SB08b form and thank the Examiner for considering the Information Disclosure Statement that Applicants' filed on July 29, 2007.

2. Compounds and Compositions of the Present Invention are Inventive

The Examiner has acknowledged that claims 1-10, 12, 13 and 17-19 are allowable.

Dependent claim 13 has been canceled since it did not further limit claim 1 from which it depended. Currently amended claims 1 and 18 correct minor editorial errors; thus, the subject matter of the claims continues to be inventive. Accordingly, claims 1-10, 12 and 17-19 still are allowable.

3. Methods of the Present Invention are Enabled

The Examiner has maintained his rejection of claims 26-32 under 35 U.S.C. 112, first paragraph, for allegedly not being enabled for the prevention and treatment of all the diseases listed in the claims because allegedly "sufficient working examples", "the level of skill in the art" and "predictability" are sufficiently lacking. See pages 2-4 of the Office Action dated September 11, 2007 ("the Office Action"). However, the Examiner has acknowledged that Applicants' previous arguments for enablement of the present invention are partially persuasive and that the rejection could be overcome by deleting the limitation "disorder" with respect to seizure disorder, a neuropathic pain disorder, a migraine pain disorder, an anxiety disorder and by deleting the limitation "neuro[de]generative disorder and a neuronal hyperexcitation state" from claims 26-32. See pages 2 and 5 of the Office Action, respectively.

Applicants maintain that the disorders and states of the present invention – namely, a seizure disorder, a neuropathic pain disorder, a migraine pain disorder, an anxiety disorder, a

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neurodegenerative disorder and a neuronal hyperexcitation state disorder – are enabled by the present application. However, solely to advance prosecution of the present applications, and thus, without conceding the correctness of the Examiner, claims 26-29 have been amended as suggested by the Examiner in the Office Action (see page 5 of same). Claims 30-32 have been canceled since amended independent claim 26 no longer provides basis for these dependent claims. Accordingly, Applicants reserve the right to pursue the deleted subject matter in a future continuation application, and moreover, amended claims 26-29 are enabled. Applicants respectfully request that the 35 U.S.C. 112, first paragraph rejection be withdrawn.

4. Objections to Informalities in the Claims

The Examiner has objected to the use of the phrase, "as defined above" in claims 15 and 16. Amended claims 15 and 16 recite in part, "as defined in claim 1", which reflects the Examiner's suggestion for obviating this objection. The objection, therefore, is moot.

5. Conclusion

For the foregoing remarks, Applicants believe the present claims are in condition for allowance, and earnestly solicit an early Notice of Allowance. The Examiner is invited to contact the Applicants' undersigned attorney. No fee is presently due; however, if mistaken, the Commissioner is authorized to deduct any fee – as well as credit any overpayment – to Deposit Account No. 503201. All correspondence should be directed to our address below.

Respectfully submitted,

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